

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LESLIE R. MITCHELL,

Plaintiff,

v.

K. BRITTAIN,

Defendant.

No. 4:22-CV-00619

(Chief Judge Brann)

ORDER

AND NOW, this 2nd day of November 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant's motion (Doc. 32) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**. Plaintiff's amended complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.
2. Plaintiff's amended complaint is additionally **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted insofar as it is clear from the face of the amended complaint that Plaintiff failed to exhaust administrative remedies.
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge